REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested.

In response to the Examiner's formality-based claim objections, the Examiner's suggested claim amendments have been effected above.

In response to the rejection of claims 6 and 12 under 35 U.S.C. §101, these claims have been amended above so as to place them clearly within subject matter considered to be statutory under US law.

In response to the rejection of claims 6 and 12 under 35 U.S.C. §112, second paragraph, these claims have been amended so as to remove the alleged indefiniteness by specifying at least the server computer in these claims.

Accordingly, all outstanding formal issues are now believed to have been resolved in the applicant's favor.

The indication of allowable subject matter at claims 3, 4, 9, 10, 17 and 18 is appreciatively noted. No further comment will be made with respect to these claims.

The rejection of claims 1, 2, 5-8, 11, 12, 15, 16 and 19 under 35 U.S.C. §103 as allegedly being made "obvious" based on Douglas '389 is respectfully traversed.

Claim 1 is now limited to situations where a stream of packets is switchable between high-priority and low-priority buffers in a network node in dependence on control signals from the client computer. It is inevitable that the packets which are conveyed via the second buffer after the switching event occur later in that stream -- hence the reference to "subsequent packets in said stream of packets" in step ii). In addition, buffer elements are now more aptly referred to as packet queues.

Douglas is apparently concerned with a connection-oriented network that does not split data flows into packets. However, even if it were converted to use packet network techniques, the resulting network would not anticipate or suggest applicant's claims.

The Examiner appears to equate "server computer" as those words are used at the start of the claim with station 66 in Figure 12 (see page 6, line 6 of the Office Action) but later equates "server computer" -- i.e., the same expression -- with receiving unit 4 (see page 7, line 2 of the Office Action). Having done that, the Examiner equates the claimed "network node" with the receiving unit 4 too -- see page 6, lines 7 and 8 of the Office Action. Similar problems arise in the Examiner's identification of the "client computer" in Douglas.

A basic point is that applicant's claim requires a signal from the client computer to a server computer to result in a change of operation of a network node lying on a communication path between the server computer and the client computer. That is

something which is believed quite novel. Douglas doesn't teach it. This is perhaps best illustrated by trying to exhaustfully follow the possibilities.

If, arguendo, the transmit unit and receive unit in Douglas are taken to be the server and client computers respectively, then there is no network node -- in any case that doesn't make sense since the transmit unit just forwards data it receives -- so it can't be considered to be a server computer. Similarly, the receive unit just forwards data it receives, so it can't be considered to be a client computer.

If, arguendo, the transmit unit and receive unit are taken to be the network node, then the server and client computers would have to be stations 66 and 68 -- and in that case the claim is also not anticipated since client computer 68 is not responsible for sending the signal which alters operation of the transmit unit -- instead the receiver unit is.

Furthermore, Douglas does not have rival queues competing for access to a given output. Douglas is hard to compare to the applicant's invention because it provides a delayed copy of the input stream (in buffer 22). It doesn't really make sense to consider that the input stream and delayed input stream are competing for access to the output link (which to confuse the comparison further actually consists of two links used in parallel). That's because there is no contention between the two -- they are one and the same signal after all. In the absence of a transmission fault, the stream of data comes directly from

the input of the transmit unit, whereas in the presence of a transmission fault, the delayed stream of data is sent. In no sense are the two stream "allocated" portions of the bandwidth of the link 12,14. Since there is no contention between the two, it makes no sense to talk about one being transmitted in preference to the other.

Finally, the Examiner's argument impermissibly mixes together different embodiments of Douglas. In relation to the same claim, the Examiner relies on Figures 3, 10 and 12. A glace at the Description of Figures in Douglas shows that these Figures relate to three separate embodiments.

In view of the fundamental deficiencies of Douglas with respect to independent claims 1, 7 and 15, it is not believed necessary at this time to detail the further deficiencies of this reference with respect to dependent claims.

The Examiner's attention is also drawn to new claims 20, 21, and 22 which depend respectively from independent claims 1, 7 and 15 and which are believed to add further patentable distinction to the claimed invention.

Finally, the Examiner's attention is drawn to the attached copy of a related commonly owned US Patent No. 6,538,989 and to prior art cited therein. A Form PTO/SB/08a is attached together with the IDS fee for this stage of prosecution. Copies of the cited non-US patent documents can be found in the USPTO file for now issued US
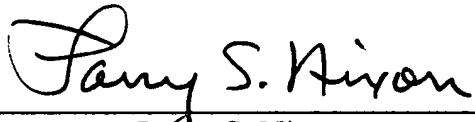
Patent No. 6,538,989. Official consideration and citation of such material is respectfully requested.

Accordingly, this entire application is now believed to be in allowable condition and a formal Notice to that effect is respectfully solicited.

Respectfully submitted,

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